

Annex A - Memorandum on joint data controllers' responsibilities

The Civil Service Commission ('the Commission') collects, holds and uses personal data in discharging its responsibilities. This data can relate to members of the public, civil servants, staff members and office holders. These functions include:

- handling and investigating complaints about recruitment into the Civil Service not being on merit after a fair and open process
- handling and investigating complaints about breaches of the Civil Service Code
- deciding whether to grant a request for exception from the normal requirement that recruitment into the Civil Service is on merit after a fair and open process
- conducting a compliance visit or audit to review recruitment practices by public bodies
- chairing senior selection competitions to ensure that the statutory requirement that selection for appointment to the Civil Service is on merit on the basis of fair and open competition is being upheld and not undermined
- communicating with suppliers, officials and members of the public to gather quarterly data on external recruitment into the Civil Service to carry out one of the Commission's core statutory activities; to ensure that all appointments into the Civil Service meet the legal requirement for appointment on merit following a fair and open competition or that they are an appointment by an Exception to this legal requirement
- responding to letters, emails or other communications from members of the public, Parliamentarians, and representatives of organisations
- recording and responding to freedom of information requests and data subject requests received

The Office of the Commissioner for Public Appointments ('OCPA') also processes personal data. They do this in order to carry out their functions which include:

- enabling the Commissioner to form a decision on whether an appointment without holding a fair and open competition, using an exemption from the Governance Code for Public Appointments, is compliant with the principles in the Code.
- investigating a complaint into the running of a competition regulated by the Office for the Commissioner of Public Appointments
- conducting a compliance visit or audit. This is one of the Commissioner's core statutory activities to ensure that an appointments process is compliant with the Governance Code for Public Appointments.

The Advisory Committee on Business Appointments ('ACOBA') also processes data in order to carry out its functions, which are:

- to provide advice on applications submitted under the Government's Business Appointment Rules
- to advise Government and former Ministers directly on the conditions that should apply to appointments or employment under the Rules for Civil Servants, at the most senior level, and the Rules for Former Ministers, which both apply for two years after officials have left office.

The Commission secretariat, as well as providing services for the Commission, provides shared secretariat support to two independent offices – OCPA and ACOBA who also share HR finance and IT functions. The Commission and OCPA are separate data controllers. ACOBA is a part of the data controller that is the Cabinet Office.

The Commission uses Cabinet Office IT systems, therefore, all of its personal data is held by the Cabinet Office, a separate data controller. The Commission also relies upon Cabinet Office for HR and finance services, which requires sending personal data to and from the Cabinet Office.

It is the view of the Cabinet Office (including ACOBA), the Commission, and OCPA that they are acting as joint data controllers in relation to all personal data processed by the Commission, OCPA and ACOBA.

The Cabinet Office, the Commission, OCPA and ACOBA will:

- comply with the data protection principles, and with all relevant data protection legislation
- properly involve their Data Protection Officer in a timely manner in issues that relate to data protection
- ensure an appropriate level of technical and organisational security for the personal data
- publish a summary of this memorandum

The Cabinet Office will be the responsible lead data controller for processing of staff personal data pursuant to carrying out HR or finance functions on behalf of the Commission, OCPA and ACOBA, and in relation to the administration of IT services provided to the Commission, OCPA and ACOBA. These responsibilities include:

- the provision of Privacy Notices to staff about how their personal data are being handled
- the maintenance of processing records under Article 30 GDPR
- reporting data breaches that relate to the processing of HR or finance related staff or office holder data, or which relate to the IT infrastructure provided
- carrying out any Data Protection Impact Assessments required by law

- responding to data subject requests relating to staff or office holders' HR/finance data, or the administration of IT services
- managing any contracts of data processors as part of the Cabinet Office IT provision to the Commission, OCPA or ACOBA

In relation to any personal data which is processed by the Commission, OCPA or ACOBA in carrying out their duties, the Commission, OCPA and ACOBA (Cabinet Office) will be the responsible lead data controllers, and will be responsible for:

- the provision of Privacy Notices to data subjects setting out how they use personal data in carrying out their duties
- the maintenance of processing records under Article 30 GDPR relating to how they use personal data to carry out their duties
- reporting data breaches which occur as a result of the actions of their staff including their usage of the IT systems provided by the Cabinet Office
- carrying out any Data Protection Impact Assessments required by law for their activities
- responding to data subject requests that relate to the carrying out of their tasks. The Cabinet Office will provide reasonable required assistance to the Commission in responding to data subject requests.
- managing any data processor contracts in relation to additional IT services procured by them